

RESOLUTION 46 - 2009

RESOLUTION TO ADOPT THE SUNLIGHT ZONING REGULATION AND MAP

BE IT RESOLVED by the Board of County Commissioners (the "Board") of Jefferson County (the "County"), Montana, as follows:

Section 1. Growth Policy. The Jefferson County Growth Policy was adopted June 18, 2003 and on November 3, 2009, the Jefferson County Board of County Commissioners adopted Resolution 40-2009 amending the Growth Policy in order to support secondary value-added industry.

Section 2. Authority to Create. Pursuant to §§ 76-2-201 et seq., MCA, the Jefferson County Board of County Commissioners has statutory authority to adopt zoning regulations.

Section 3. Purpose of Zoning. The Jefferson County Board of County Commissioners desires to promote the public health, safety, morals, and general welfare; and regulate development.

Section 4. Promote Industry. The Jefferson County Board of County Commissioners desires to promote secondary, value adding industry in Jefferson County and further the establishment of tax increment financing industrial districts.

Section 5. Petition to Create. The petitioners/owners, Golden Sunlight Mine, Inc., P.O. Box 970, Elko, NV 89803-0970 and Jefferson Local Development Corporation, P.O. Box 1079, Whitehall MT 59759, submitted a petition to create the Sunlight Zoning District by adoption of the Sunlight Zoning Regulation and Map in accordance with §76-2-201, MCA.

Section 6. Zoning District. The petitioners/owners requested creation of the Sunlight Zoning District with the adoption of the Sunlight Zoning Regulation and Map on ~ 8,156 acres generally located in the Golden Sunlight Mine area of Jefferson County. The general character of the zoning regulation is industrial. The district boundaries encompass the property legally described as:

TOWNSHIP 2 NORTH, RANGE 3 WEST PRINCIPAL MERIDIAN **JEFFERSON COUNTY, MONTANA**

Section:	17	ALL
Section:	18	ALL
Section:	19	ALL
Section:	20	ALL excepting the SW1/4 of the SW1/4.
Section:	21	ALL
Section:	28	W1/2, W1/2 of the E1/2
Section:	29	ALL excepting the NW1/4 of the NW1/4.
Section:	30	ALL
Section:	31	W1/2 of the NW1/4, NE1/4 of the NW1/4

Section: 32 ALL, less lands included in Right of Way.
Section: 33

A tract of land, more particularly described as follows:
Commencing at a point on the North line of Section 33,
from which the North quarter corner of said Section 33
bears due west 680 feet; thence South 2044 feet; thence
south 44 degrees 15 minutes East 1809 feet; thence South 6
degrees 44 minutes East 1258 feet to a point on the
Yellowstone Trail Road and from which point the
Southeast corner of said Section 33 bears South 50 degrees
5 minutes East 1036.5 feet; thence South 84 degrees 45
minutes West 1782 feet along said Yellowstone Trail Road;
thence North 86 degrees 45 minutes West 1357.5 feet along
said Yellowstone Trail Road to a point on the West line of
said Section 33, from which the Southwest corner of said
Section 33 bears South 844.5 feet; thence North to the
Northwest corner of said Section 33; thence East to the
place of beginning.

Section: 33

A tract of land in the Northeast $\frac{1}{4}$ more particularly
described as follows: Commencing at a point from which
the Northeast corner of Section 33 bears due East 268 feet,
thence West on the North section line of said Section 33,
1773 feet, to a point from which the North quarter corner of
said Section 33 bears due west 680 feet, thence South 2044
feet to a point, thence East 250 feet to a point, thence North
772.6 feet to a point, thence North 72 degrees 30 minutes
East 425 feet to a point, thence North 44 degrees 30
minutes East 1611 feet to the place of beginning.

TOWNSHIP 2 NORTH, RANGE 4 WEST, PRINCIPAL MERIDIAN
JEFFERSON COUNTY, MONTANA

Section: 13 ALL
Section: 14 E1/2
Section: 24 ALL
Section: 25 East $\frac{1}{2}$, East $\frac{1}{2}$ of the West $\frac{1}{2}$.

Section 7. Planning Board. The Jefferson County Planning Board conducted a public hearing on October 21st, 2009 to accept public testimony.

Section 8. Planning Board Recommendation. Having considered the proposed revisions and the received public testimony the Jefferson County Planning Board has passed and adopted a resolution which made a recommendation to the Jefferson County Board of County Commissioners that they adopt the Sunlight Zoning Regulation and Map with the requested change to Section 2.3.4.1 increasing the height of buildings from 90 feet to 350 feet to standardize the allowed height of industrial buildings within Jefferson County.

Section 9. Notice. Notice of all public hearings and public meetings were published in accordance with §§ 76-2-205 and 7-1-2121, MCA prior to the Jefferson County Board of County Commissioners taking any action to establish, revise, adopt or amend zoning.

Section 10. Public Hearing. That in accordance with §76-2-205, MCA, the Jefferson County Board of County Commissioners held a public hearing on November 3, 2009, to receive recommendations and suggestions from the public regarding the proposed adoption of the Sunlight Zoning Regulation and Map.

Section 11. Intent to Adopt. On November 3, 2009, the Jefferson County Board of County Commissioners, in accordance with §76-2-205 MCA, expressed its intent to adopt the Sunlight Zoning Regulation and Map on ~ 8,156 acres generally located in the Golden Sunlight Mine area of Jefferson County with the requested change to Section 2.3.4.1 increasing the height of buildings from 90 feet to 350 feet to standardize the allowed height of industrial buildings within Jefferson County with the adoption of Resolution 39-2009.

Section 12. Hearing on Resolution of Adoption. The Jefferson County Board of County Commissioners set the regularly scheduled Board of County Commissioners meeting of Tuesday, December 15, 2009, for the final adoption of the Sunlight Zoning Regulation and Map.

Section 13: Notice of Passage. In accordance with §76-2-205, MCA, notice of passage of the resolution of intention was published on November 11 and 18, 2009.

Section 14. Protest Period. In accordance with §76-2-205, MCA, for 30 days after first publication of the notice, November 11, 2009, the County Commission accepted written protests to creation of the Sunlight Zoning District by adoption of the Sunlight Zoning Regulation and Map from persons owning real property within the district whose names appear on the last-completed assessment roll of the County.

Section 15. Protest. Between November 11, 2009, and December 12, 2009, Jefferson County did not receive protests to establishment of the district or adoption of the regulations from 40% of the real property owners within the district whose names appear on the last-completed assessment roll or if real property owners representing 50% of the titled property ownership whose property is taxed for agricultural purposes under § 15-7-202 or whose property is taxed as forest land under Title 15, chapter 44, part 1.

Section 16. Public Interest. The Jefferson County Board of County Commissioners finds that the Sunlight Zoning Regulation and Map generally complies with the public interest criteria for consideration; the Sunlight Zoning Regulation and Map will serve the public interest; there is no appropriate other use of this property; and there is a need for Industrial use of the property at this location.

Section 17. Findings. In accordance with §76-2-203, MCA, the Jefferson County Board of County Commissioners finds that the Sunlight Zoning Regulation and Map has been made in accordance with the growth policy; and is designed to: secure safety from fire and other dangers;

promote public health, public safety, and general welfare; and facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Section 18. Consideration. In accordance with §76-2-203(2), MCA, the Jefferson County Board of County Commissioners considered reasonable provision of adequate light and air; the effect on motorized and nonmotorized transportation systems; compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities; the character of the district and its peculiar suitability for particular uses; and conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area in the adoption of the Sunlight Zoning Regulation and Map.

Section 19. Compatibility. Pursuant to §76-2-203, MCA, the Jefferson County Board of County Commissioners finds that the Sunlight Zoning Regulation is, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

Section 20. Spot Zoning. The Jefferson County Board of County Commissioners finds that the Sunlight Zoning Regulation and Map is not spot zoning; is generally compatible with the prevailing uses in the area; will generally be of benefit to the surrounding neighborhood, community and the general public; and, is not special legislation designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public.

Section 21. Effective. The Sunlight Zoning Regulation and Map shall be in effect immediately upon passage and adoption of this resolution.

PASSED AND ADOPTED by the Board of County Commissioners of Jefferson County, Montana, this 15th day of December, 2009.

ATTEST:

BONNIE RAMEY
CLERK AND RECORDER

TOMAS E. LYTHGOE, CHAIR

KEN WEBER, COMMISSIONER

DAVE KIRSCH, COMMISSIONER